United Nations A/71/359–S/2016/732

General Assembly
Security Council

Distr.: General
24 August 2016

Original: English

General Assembly
Seventy-first session
Items 34 and 35 of the provisional agenda*

The situation in the Middle East

Question of Palestine

Security Council
Seventy-first year

Peaceful settlement of the question of Palestine

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 70/15. It contains replies received from the parties concerned to the notes verbales sent by the Secretary-General pursuant to the request contained in paragraph 24 of the resolution. The report also contains the observations of the Secretary-General on the current state of the Israeli-Palestinian conflict and on international efforts to move the peace process forward with a view to achieving a peaceful settlement. The report covers the period from September 2015 to August 2016.

* A/71/150.

16-14628 (E) 130916

Please recycle

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 70/15.

2. On 1 July 2016, pursuant to the request contained in paragraph 24 of the above-mentioned resolution, I addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 70/15, which the General Assembly adopted on 24 November 2015, at its seventieth session, under the agenda item 'Question of Palestine'.
>
> "Paragraph 24 of the resolution requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, towards the attainment of a peaceful settlement of the question of Palestine and the promotion of peace in the region and to submit to the General Assembly at its seventieth session a report on these efforts and on developments on this matter.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 31 July 2016.
>
> "Recalling the Secretariat's obligation to observe the page limit of its reports, pursuant to General Assembly resolution 52/214, I would like to encourage the Security Council to limit its submission to 1,500 words."

3. As at 23 August, no response had been received to that request.

4. In a note verbale dated 23 May 2016 to the parties concerned, I sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the State of Palestine, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 31 July 2016, replies had been received from Israel and the State of Palestine.

5. The note verbale dated 8 July 2016 from the Permanent Observer Mission of the State of Palestine to the United Nations reads as follows:

> "General Assembly resolution 70/15, "Peaceful settlement of the question of Palestine", represents the latest contribution by the Assembly towards a just, comprehensive and peaceful solution to the question of Palestine, the core of the Arab-Israeli conflict, based on international law and the relevant United Nations resolutions. The principles enshrined therein have been committed to by the international community for decades and continue to receive overwhelming support. The resolution reaffirms the global consensus calling for, inter alia, Israel's complete withdrawal from the Palestinian territory occupied since June 1967, including East Jerusalem; achievement of the two-State solution of an independent, sovereign, contiguous and viable State of Palestine, living side by side with Israel in peace and security within recognized borders based on the pre-1967 borders; and a just solution for the Palestine refugees based on resolution 194 (III).
>
> "The Palestinian commitment to the principles and objectives of the resolution has been firm and consistent; the Palestinian leadership has

continuously called for the implementation of its provisions and of other relevant United Nations resolutions, striving at every juncture to promote a just peace. For over a quarter century, Palestine's position has mirrored this global consensus, beginning with the Palestine National Council's formal acceptance of the two-State solution in the 1988 Declaration of Independence of the State of Palestine through all legislative efforts and peace initiatives thereafter to the present day, as attested to by ongoing Palestinian calls and efforts for peace. This major compromise to establish the State of Palestine on only 22 per cent of our historic homeland, for the sake of realizing the Palestinian right to self-determination and our people's other inalienable rights and ending the conflict, is indeed the primary testament to Palestine's commitment to peace.

"This commitment has held, in spite of the grave trials faced by the Palestinian people in the long years of their plight, in spite of the fact that the injustice inflicted upon them in the first half of the twentieth century — marked most dramatically by the adoption of the partition resolution, General Assembly resolution 181 (II), in 1947 and the tragedy of Al-Nakba of 1948 and followed by the onset of the Israeli foreign military occupation of the remainder of Palestine in June 1967 — continues to this day with striking intensity. Indeed, in a year marking several regrettable anniversaries, including the forty-ninth year of the Israeli occupation and the onset of its fiftieth year and the ninth year of the Israeli blockade of the Gaza Strip and the onset of its tenth year, peace remains as elusive as ever.

"While international support and solidarity for the Palestinian people and their just cause has been constant, the political courage and will to implement the relevant Security Council and General Assembly resolutions have regrettably been absent in the face of Israel's total disrespect for international law, including international humanitarian law and human rights law. The failure to hold Israel accountable and compel its compliance with the law has undermined all peace initiatives and further destabilized the situation on the ground, exacerbating a deplorable humanitarian, socioeconomic and security situation and compounding the conflict.

"The prolonged occupation and conflict have caused vast suffering for the Palestinian people, scarring one generation after another, among them millions of Palestine refugees denied their right of return. Over 5.3 million Palestinians, spanning more than three generations, are registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East, with millions of them continuing to live in the camps originally established in the region following Al-Nakba, including in Jordan, Lebanon, Syria and the Occupied Palestinian Territory, and millions of them are dependent on the Agency's assistance for their survival and well-being. While the volatility and unsustainability of the situation are widely acknowledged, this has regrettably not compelled the necessary international response.

"As the Security Council has failed to uphold its duties under the Charter of the United Nations on this issue and the Quartet has equally failed to uphold its declared commitments, the Israeli Government has taken full advantage of the international paralysis. Israel has entrenched its occupation, particularly by means of its illegal settlement campaign throughout Occupied Palestine,

including and especially in and around occupied East Jerusalem. Jerusalem also continues to be subjected to incitement by Israeli officials and religious leaders and provocations and violence by Israeli settlers and Jewish extremists against Muslim and Christian holy sites, particularly targeting the Haram al-Sharif, which houses the Al-Aqsa Mosque, further inflaming tensions and threatening to precipitate a dangerous religious conflict.

"At the same time, Israel has intensified its measures of repression against the Palestinian civilian population under its control, most flagrantly by its illegal, inhumane blockade of Gaza, in collective punishment of the entire Palestinian civilian population there, gravely breaching its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) to ensure their safety, protection and well-being. These also constitute violations of the relevant United Nations resolutions, the applicable provisions of human rights conventions and of the Rome Statute of the International Criminal Court, and the 2004 advisory opinion of the International Court of Justice.

"Palestinian hardships have multiplied as Palestinians have tragically been left unprotected, denied their rights and exposed to systematic human rights violations. In the past year, such violations have included, but are not limited to, the loss of more than 210 civilian lives and the injury of thousands in violent Israeli military raids, with young people in particular being viciously targeted since the recent cycle of violence began in October 2015; daily arrest and detention operations and the continued imprisonment of thousands of Palestinians, including children and women, who are routinely exposed to physical and psychological abuse and torture; and severe restrictions on movement and other fundamental freedoms; as well as countless other violations, including those stemming from Israel's active colonization of the Occupied Palestinian Territory by means of its construction and expansion of settlements and the wall, demolition of Palestinian homes and measures to dispossess them of their private property and agricultural lands, forced displacement and exploitation of their natural resources. These violations are being perpetrated jointly and non-stop by the occupying Power and its military occupying forces and extremist, terrorist settlers.

"Despite all the above, and the diminishing faith of the Palestinian people in the international system in general and the possibility of the two-State solution in particular, Palestine's commitment to peace persists, rooted in a deep conviction in international law, the inevitability of justice and the imperatives of peace and security. The Palestinian Government, led by President Mahmoud Abbas, has continued in the past year to appeal for international action to advance a peaceful solution and to cooperate with regional and international efforts to overcome the political deadlock and create a credible horizon for resolving the conflict. The urgency of achieving a peaceful settlement and creating the conditions conducive for its realization are clearly set forth in the provisions of resolution 70/15, and those provisions are fully respected by Palestine, which actively strives for its implementation in its actions, multilaterally and bilaterally, and in its internal governance efforts.

"This has included, inter alia, Palestine's accessions in recent years to numerous international treaties and covenants, reconfirming its commitment to the rule of law at the international and national levels and underscoring Palestine's intention to use all peaceful, political, legal and non-violent tools to achieve the inalienable rights of the Palestinian people, including to self-determination. It has also involved Palestine's full cooperation with regional efforts to advance peace in line with the Arab Peace Initiative and its support for the initiative of France, along with regional and international partners, to convene an international support group for Palestinian-Israeli peace and organize an international peace conference to that end. It has additionally included steps to restore Palestinian unity, as attempts continue to promote reconciliation and empower the national consensus government to fulfil its duties, recognizing the importance of unity for achieving peace.

"Such efforts have been consistently pursued despite the innumerable challenges arising from Israel's half-century foreign occupation. In this regard, it must be noted that, aside from its illegal plans and practices aimed at repression of the Palestinian population and de facto annexation of the Palestinian land, the occupying Power has also acted to deliberately undermine the functioning of the Palestinian Government, including by withholding tax revenues, inciting against the Palestinian leadership and inflammatory rhetoric and cynical actions to thwart Palestinian unity.

"Consequently, despite efforts by Palestine, States from around the world, inter-governmental organizations and civil society partners in the past year, the political impasse, which began in April 2014 with the breakdown of American-led peace talks, following Israel's suspension of negotiations, continues to the present. That impasse has been hardened by the intransigence of the Israeli Government, which continues its rejection and obstruction of all peace efforts, casting serious doubts on its intentions and claimed commitment to peace, continues to settle and colonize Palestine, effectively destroying the two-State solution and continues its blockade of Gaza and its isolation from the West Bank and the rest of the world, imprisoning the entire population and impeding reconstruction and recovery from its criminal military aggressions of recent years.

"Here, it is relevant to recall that Israeli Prime Minister Netanyahu publicly pledged in 2015 that there would be no Palestinian State as long as he was Prime Minister, a position he has clearly adhered to. This position, along with even more negative, virulent sentiments, has been reiterated by Israeli Government officials in repeated provocative declarations, inflammatory and racist rhetoric and incitement against the Palestinian people and their leadership. Moreover, Israel continues to fabricate empty and false pretexts, focused mainly on its own security narrative and disregard for the Palestinian right to security, and continues to impose unjust, unilateral conditions, all designed to maintain its illegal occupation, rather than reversing it and advancing peace efforts on the basis of the parameters rooted in the Security Council resolutions. The past year has again proven that Israel only pays lip service to peace while it vigorously sabotages the two-State solution with blatant disrespect for the law and contempt for the international community.

"While stoking tensions and deepening anger and mistrust, this has not, however, undermined Palestine's adherence to the path of peace or inhibited its constant outreach urging the international community, foremost the Security Council, to act in line with international legal obligations and commitments, as prescribed by the relevant United Nations resolutions, including resolutions 242 (1967) and 338 (1973), the Madrid principles, including the principle of 'land for peace', and the Arab Peace Initiative. The Palestinian leadership has been unrelenting in its appeals to the international community to help the parties to make peace based on the longstanding parameters of the two-State solution, repeatedly calling for setting a time frame to end the Israeli occupation that began in 1967 and achieve the independence of the State of Palestine, with East Jerusalem as its capital, a just solution for the plight of the Palestine refugees and guarantees of international support for the implementation of a future peace agreement.

"In every single official communication to the General Assembly, the Security Council and the Secretary-General we have sought to draw urgent attention to the grave breaches of international law being perpetrated by Israel and have equally appealed for action to compel a halt to its crimes and violations. Simultaneously, we have acted to galvanize international efforts to salvage peace prospects and preserve the two-State solution, in conformity with the international consensus, as enshrined in resolution 70/15 and other relevant United Nations resolutions. Our appeals are in full accord with the law and requirements of peace and justice, not baseless claims or desires.

"But, after five decades of occupation and the steep decline of the situation, Palestinian patience, hopes and convictions in peace are fading away, especially among our young people. After years of restraint — years witnessing the deterioration of conditions to dangerous levels, years of unquantifiable loss and suffering for the Palestinian people, years of the two-State solution's erosion and years of direct damage to Security Council credibility and the rule of law — we can no longer wait and must sound an alarm; the opportunities for peace are slipping away and the international community must act before it is too late. We cannot accept pretexts, domestic or otherwise, that attempt to rationalize the irrational and sanctify the illegitimate, permitting the violation of the law and our people's rights with total impunity. The Israeli Government is making a mockery of international law and the international calls for an end to its occupation of Palestine and is intentionally thwarting a peaceful settlement, to the detriment of our people, the Middle East region and the global community, and it must be held accountable. Peace is contingent on this.

"We will thus continue calling upon the Security Council to uphold its duties under the Charter of the United Nations and implement its own resolutions. The Council must answer the global calls to redress this open, bleeding wound by upholding international law and its own obligations to advance a peaceful solution to assist the Palestinian people to finally realize the freedom, rights and justice they have been denied and help to establish Palestinian-Israeli peace and security. Palestine pledges cooperation with all efforts for this objective, stressing the international responsibilities in this regard and the need for collective efforts and genuine multilateral processes and support to bring this to fruition.

"Only international law can ensure that negotiations aimed at resolving the final status issues — Jerusalem, Palestine refugees, settlements, borders, security, prisoners and water — actually result in a just, sustainable peace. Cycles of failed negotiations and initiatives have taught hard lessons that must be heeded. Peace can never be achieved by military might, illegal practices and bad faith, and a people can never be coerced to forgo their rights, regardless of the misery, indignities and deprivation forced upon them.

"To prevent further destabilization in a region experiencing great turmoil, to stem the human suffering and keep the window open for peace, Palestine will continue to act and call for measures in line with international law, the relevant United Nations resolutions and the permanent international responsibility towards the question of Palestine until it is resolved justly in all aspects. Peace requires a human rights perspective and a justice perspective, not just a security perspective. The occupying Power cannot continue to be appeased while the occupied people continue to suffer and to be denied inalienable human rights, including to self-determination and freedom. The root causes and underlying issues of the conflict must be redressed. Accountability for crimes is imperative.

"The plight of the Palestinian people — from Occupied Palestine to our refugee camps in the region, especially in Syria — is an existential crisis urgently demanding a just solution. The Security Council in particular is duty-bound to address this conflict, which continues to threaten international peace and security, and must act towards bringing a definitive end to the occupation and conflict and securing a just and lasting peace. Until then, as political efforts continue to be exerted, action must also be taken to ensure protection for the Palestinian people under Israel's occupation and alleviate their humanitarian plight, as the occupying Power continues to violate its obligations to ensure their safety and well-being and is the source of their insecurity and suffering.

"While calling upon the Security Council, we also reiterate our appeal to the General Assembly to uphold its legal, political and moral responsibilities, as reflected in resolution 70/15 and prior resolutions. We also recall relevant declarations by the conference of High Contracting Parties to the Fourth Geneva Convention and obligations in this regard. Moreover, we reaffirm the importance of the Arab Peace Initiative and its promise for opening doors to a new era of peace, stability and cooperation for our shared aspirations and challenges. Israel must be called upon to cease obstructing peace and to reciprocate this historic initiative.

"The Palestinian Government remains ready to make peace, based on resolution 70/15 and all other relevant United Nations resolutions. On this basis, we will continue cooperating with international efforts to promote a just solution that will achieve the independence of the State of Palestine, with East Jerusalem as its capital, and the inalienable rights of the Palestinian people, including the Palestine refugees, and achieve lasting Palestinian-Israeli peace, security and coexistence."

6. The note verbale dated 15 July 2016 from the Permanent Mission of Israel to the United Nations reads as follows:

"As shown in the meeting records, Israel voted against this resolution, as it has done on similar resolutions adopted in the past by the General Assembly. Assembly resolution 70/15 joins the numerous one-sided resolutions passed annually, and automatically, by the General Assembly, which only serve to undermine the credibility of the United Nations as an impartial agent for the advancement of peace.

"The State of Israel continuously strives to attain a peaceful settlement of the conflict with the Palestinians and to promote peace in the region. Time and time again, Israel has demonstrated to the international community its commitment to finding a long-lasting solution to the conflict. General Assembly resolution 70/15 overlooks the steps Israel has taken, and continues to take, to end the conflict.

"At the same time, General Assembly resolution 70/15 fails to examine the situation objectively, disregarding the role played by the Palestinians in making it more difficult to attain a peaceful resolution to the conflict, in particular Palestinian incitement to violence.

"Since 13 September 2015, 40 people have been killed in Palestinian terrorist attacks in Israel and 517 people (including 4 Palestinians) have been injured. There have been 156 stabbing attacks (including 76 attempted attacks), 98 shootings, 46 vehicular (ramming) attacks and one bus bombing.

"These acts of terrorism did not take place in a vacuum. They are a direct result of the continuous Palestinian incitement. The report of the Middle East Quartet emphasized that continuing violence, recent acts of terrorism against Israelis and incitement to violence is fundamentally incompatible with advancing a peaceful two-State solution.

"The hateful rhetoric of the Palestinian leadership begins at the top. In his recent speech to the European Parliament, on 23 June 2016, President Abbas himself repeated an outrageous lie that Israel seeks to poison the Palestinians' water supply. He said that certain rabbis in Israel have said very clearly to their government that our water should be poisoned in order to have Palestinians killed. This vicious slander is rooted in centuries-old fabricated accusations against Jews for poisoning wells. It is a blood libel.

"There cannot be any progress for peace, unless the Palestinian leadership puts an end to terror and incitement and finally agrees to direct, face-to-face negotiations. Prime Minister Netanyahu has said repeatedly that he would meet with President Abbas, any time, any place, to work to end the conflict, yet Abbas has made his refusal clear.

"The only way to achieve peace for the region is by building a strong foundation. This foundation must consist of three pillars, an end to all terrorism and incitement, ending the Palestinian refusal to recognize Israel as the nation State of the Jewish people and Palestinian willingness to directly negotiate with Israel.

"In August 2005, Israel dismantled its settlements and military presence and disengaged from the Gaza Strip. Rather than using this opportunity for

development, Hamas took advantage of Israel's absence to launch terror attacks from Gaza against Israeli citizens. Terror activities escalated further after Hamas took control of the Gaza Strip in 2006. Despite Israel's withdrawal from the Gaza Strip in 2005, Hamas has continued to target Israeli civilians with thousands of rockets. Hamas' unprovoked attacks are not the consequence of efforts to seek redress of legitimate grievances, as some claim. Rather, they are a consequence of Hamas' guiding ideology.

"Hamas is a virulently anti-Semitic organization, whose very charter calls upon Muslims to kill Jews. Hamas is not dedicated to improving the plight of the people of Gaza. Instead, its goal is nothing less than the destruction of Israel, no matter the cost to the Palestinian population.

"Despite the relentless and acute threats to its security, Israel is actively working to support reconstruction efforts in the Gaza Strip. Israel has intensified its cooperation with the international community in general, and with the United Nations in particular, and with the Palestinian Authority to facilitate sustainable infrastructural and economic development in Gaza, in order to meet both the short-term and long-term needs of the civilian population. Since October 2014, over 5 million tons of building material have been transferred to Gaza, within the United Nations sponsored Gaza Reconstruction Mechanism, including 872,000 tons of cement and 157,000 tons of iron.

"Israel continues its enabling policy towards the Palestinian population, in spite of the ongoing Palestinian violence. This policy is based on the conviction that developing economic growth and good governance capabilities not only gives support to the sustainability of the Palestinian Authority but can boost the hope for a better future for both parties, as well as encourage the security and stability of all countries in the region.

"During the past year, since the formation of the current Israeli Government in May 2015, the Ministry of Finance has dramatically increased its efforts to promote economic cooperation and development with the Palestinian Authority. Those efforts include high-level meetings between ministers and high ranking officials. For example, there have been a series of four direct meetings between Palestinian Authority Finance Minister Bishara and Israeli Finance Minister Kahlon. These meetings, which were held in a pragmatic atmosphere, tackled some of the issues that were raised in the latest World Bank and International Monetary Fund reports and launched an intensive promotion of new plans for economic development and the forwarding of substantial funds; an amount of $130 million was transferred to the Palestinian Authority in order to build trust and help it to achieve fiscal stability. In addition, the Prime Minister of Israel has authorized the connection of the first power station, to be established in Jenin, to Israeli gas infrastructure. Israel is also following the implementation of the 3G frequencies allocation agreement, signed with the Palestinian Authority last November.

"The year 2015 was a year of increased movement of people and merchandise from the West Bank in to Israel to Jordan and the rest of the world. In 2015, an increase of 27 per cent in truck crossings on the Allenby Bridge was registered; over 43,000 trucks have crossed from the West Bank into Jordan and beyond, exporting and importing. The movement of people on

the bridge has surpassed 2 million crossings and an increase of 4.3 per cent was registered. Additionally, 15 million entries of Palestinian residents from the West Bank into Israel were registered last year — a number which indicates an increase of 30 per cent.

"Israel has been making tremendous efforts, while taking tremendous risks, towards the reconstruction of Gaza and the improvement of the humanitarian situation of its civilian population, putting emphasis on infrastructure issues such as water and energy, as well as employment issues.

"Due to the centrality of water and energy issues, Israel has expressed its support for the establishment of a desalination plant in the Gaza Strip, and has issued two letters to that effect, both to the Palestinian Authority and to the international community.

"In parallel, Israel is cooperating with the Quartet task force on the connection of Gaza to Israeli gas sources, aiming at having these two projects, a desalination plant and a connection to gas sources, developed together so that one can provide for the other. Until the long-term solution of a desalination plant is operational, for the medium term, Israel supports the establishment of small-scale desalination units.

"Regarding Gaza's reconstruction, great progress has been made. Over 5 million tons of construction materials have entered Gaza through the Gaza Reconstruction Mechanism, of which there were over 4 million tons of aggregates, 872,000 tons of cement and 157,000 tons of iron. A total of 130,000 homes that were partially damaged during Operation Protective Edge were approved for repair. Of these, repairs have already been completed on over 80,000 homes, and more than 20,000 are under way.

"The second stage of Gaza's reconstruction has begun, with almost 13,000 residential units authorized for complete reconstruction, and over 2,500 of them have already purchased all the necessary building material to start work. Additionally, 790 public projects such as roads, schools, clinics and mosques have been approved, with 124 of them already completed.

"Israel is investing $10 million in the expansion of the Kerem Shalom commercial crossing to increase its capacity to 1,000 truck crossings per day. The enlarged capacity will enable the expansion of exports from Gaza, which currently include agricultural products both to Israel and to the West Bank, fish, textiles, metal scraps and furniture.

"In line with the intention to increase exports from Gaza, for the first time in a decade, Israel has extended the fishing zone in the south of Gaza to 9 miles. This will enable Gazan fishermen to exhaust the fishing season, which will boost Gaza's economy with an additional estimated income of $100,000.

"Recently, the construction of a second commercial crossing between Israel and the Gaza Strip was approved, and a work crew has embarked upon planning the establishment of such a crossing, as part of the Erez crossing. This project will significantly improve the efficiency of the movement of goods to and from Gaza. Israel is taking all these measures and making the Gaza Reconstruction Mechanism a more efficient and enabling mechanism for the benefit and welfare of the people of the Gaza Strip.

"Israel will not, however, tolerate the abuse of the Gaza Reconstruction Mechanism by the terror organization Hamas, which is stealing and confiscating building materials meant for the reconstruction of Gaza. Those stolen materials are being diverted for the construction of tunnels used in attacks against Israel, rearmament and rocket experiments, in preparing their next assault on Israel. We demand that the 7,600 tons of cement stolen by Hamas be returned so that it can be used for its original purpose.

"As part of the humanitarian effort, and parallel to the increase in the number of crossings of commercial goods, there was an increase in the number of people crossing at the Erez crossing in 2015. Over 360,000 movements, including of patients going for treatment in Israel, students, worshipers going for Friday prayers on Temple Mount, family members of prisoners going for visits and an increased number of 5,000 businessmen with daily permits, entered Israel. All this is taking place while the Egyptian Rafah crossing is closed during most of the year, due to the Palestinian Authority's refusal to assume its responsibilities.

"It is important to note that for the past five years, all types of foodstuffs, as well as all consumer and other goods, have been allowed to enter Gaza from Israel. The only prohibited items are weapons and a short list of dual-use items that can be exploited for use in terrorist acts.

"Israel is facilitating construction projects in Gaza, including housing (since Operation Protective Edge, over 127,000 houses have been approved for repair, of which 81,000 have been completed) and schools, clinics and infrastructure projects. Such projects may be initiated and funded by international organizations, foreign States, the Palestinian Authority or private entities.

"Israel has undertaken these measures, and many more, despite the major security risks they pose. In the past, Hamas (an internationally recognized terror organization) has diverted massive amounts of aid and imported goods for use in its terrorist infrastructure. For instance, building materials worth tens of millions of dollars were diverted by Hamas for the construction of their cross-border tunnels, which were used to attack Israel during the summer 2014 conflict. Hamas continues to pursue its efforts to rearm, expand its rocket arsenal and construct the infrastructure it plans to use in its next attack on Israel.

"Despite Israel's best efforts, some reconstruction is being hindered by forces beyond its control. Delays in reconstruction predominantly stem from the actions of Hamas, which controls Gaza, and the conflict between this terrorist organization and the Palestinian Authority. For example, Hamas refuses to allow the Palestinian Authority to take security and civilian responsibility for the Palestinian side of Gaza's border crossings with Israel and Egypt. Furthermore, Hamas continues to misappropriate construction materials for use in terrorist infrastructure. For its part, the Palestinian Authority wants to weaken the Hamas regime, and this goal appears to be influencing the pace and extent of its reconstruction activities.

"The Palestinian Authority is not only obstructing the reconstruction of the physical infrastructure in Gaza, it has failed to construct a credible

political infrastructure. The path to a peaceful settlement requires good governance and leadership responsive to the will of the people, yet the President of the Palestinian Authority, Mahmoud Abbas, is in his eleventh year of a five-year term.

"The aforementioned steps taken by the State of Israel attest to its commitment to a peaceful resolution to the conflict. However, this commitment has not been reciprocated. On the one hand, Hamas has, time and time again, chosen to invest in terror, not peace. On the other hand, the Palestinian Authority is avoiding its responsibility for the people it claims to represent and fails to lay the foundations for good governance and peace.

"The State of Israel reiterates its willingness for an agreement in accord with the principles of two States for two Peoples and acknowledges the important role played by the Quartet in this matter. Israel calls upon the Palestinian Authority to reaffirm its adherence to the achievement of a permanent and comprehensive resolution of the conflict, by engaging in confidence-building measures and bilateral agreements in lieu of unilateral declarative actions in various multinational forums."

II. Observations

7. International efforts to promote the peaceful settlement of the question of Palestine continued to focus on creating a framework for the parties' return to meaningful negotiations, in particular through the renewed efforts of the Quartet and other international initiatives. There were no direct peace process-related talks between the two leaderships, which continued to disagree over the terms for a resumption of formal negotiations.

8. During most of the reporting period, the situation on the ground was characterized by heightened tensions and higher levels of violence than in the previous year, as well as by a rise in demolitions and settlement activity in the West Bank, including East Jerusalem. In Gaza, a fragile ceasefire largely held, but the situation remained volatile, mostly owing to worsening socioeconomic conditions, delays in reconstruction, deterioration in the internal security situation, continued restrictions in movement and the deepening political divide between the Palestinian authorities in Gaza and the West Bank.

9. On 10 September, the General Assembly adopted resolution 69/320, in which it decided that the flags of non-member observer States at the United Nations maintaining permanent observer missions at Headquarters should be raised at Headquarters and United Nations offices. I witnessed, with the President of the State of Palestine, Mahmoud Abbas, the raising of the Palestinian flag for the first time at Headquarters, on 30 September.

10. Over the past year, the Quartet has been actively engaged in seeking a way forward out of the deadlock in negotiations between Israel and the State of Palestine. Quartet envoys held consultations with Egypt, Jordan, Saudi Arabia, the Arab League, the Gulf Cooperation Council and key international partners on how to preserve the two-State solution and establish conditions for the parties to return to meaningful negotiations. The determination of those regional partners to play a constructive role was highlighted in all discussions.

11. The Quartet principals met on 30 September in New York, joined by a number of interested regional and international stakeholders, including France, Egypt, Jordan, Saudi Arabia and the Arab League. At that meeting, participants expressed serious concern about the trends unfolding on the ground and strong support for taking significant steps that would help to stabilize the situation, show meaningful progress towards a two-State solution and restore the belief among Palestinians and Israelis that a negotiated peace remained possible. The Quartet principals met on 23 October in Vienna to discuss ways to de-escalate tensions in the aftermath of clashes at holy sites in Jerusalem. On 17 December, Quartet envoys met Israeli and Palestinian officials in Jerusalem and reiterated the urgent need for taking significant steps to strengthen Palestinian institutions, security and economic prospects, while addressing Israel's security concerns. The principals met again on 12 February in Munich, Germany, and agreed that the envoys should prepare a report on the status quo and threats to the two-State solution, including recommendations on the way forward.

12. The report of the Quartet (S/2016/595, annex) was issued on 7 July. In its conclusions, the Quartet noted the three current trends that are dangerously imperilling the viability of a two-State solution: (1) continuing violence, terrorism and incitement; (2) continuing settlement expansion, land designations and denial of Palestinian development; and (3) situation in Gaza and the lack of control of Gaza by the Palestinian Authority. The report contains recommendations for both sides on all three trends with a view to building international consensus on the way forward. Although both sides have criticized the report's content, I urge the parties to engage with the Quartet on its implementation, given that it presents a path to restoring hope for a negotiated settlement.

13. In the report, the Quartet also welcomed the efforts of France to pursue peace as complementary to its own work. On 3 June, I joined the ministerial conference held in Paris to reaffirm the Organization's commitment to a negotiated two-State solution and to discuss how the United Nations can support constructively both parties in achieving that goal. I welcome the efforts of Egypt in the context of the Arab Peace Initiative, including the visit in July by the Minister for Foreign Affairs of Egypt to the State of Palestine and Israel. It is critical to ensure that all international initiatives are closely synchronized with and complementary to the work of the Quartet.

14. My visit to Israel and the State of Palestine on 27 and 28 June aimed at encouraging positive progress in that direction. I urged both leaders to take definitive and courageous steps to restore a political horizon and stressed that continued violence and incitement were incompatible with advancing a negotiated two-State solution.

15. Violence in the West Bank, including in occupied East Jerusalem, increased significantly from October 2015 onward owing to escalating tensions surrounding access to the holy sites. On 13 September, the Israeli police entered the area outside the Haram al-Sharif/Temple Mount allegedly to head off attempts by extremists to disrupt visits by non-Muslim tourists. Clashes ensued and continued for three days in the compound. Accounts of those incidents were widely shared, across the Muslim world and beyond, with regional and international calls for the preservation of the historic status quo and law and order at the compound, in line with the

agreements between Israel and Jordan, as custodian of the Islamic holy sites in Jerusalem.

16. The Security Council held an emergency session on 16 October, when the State of Palestine reiterated its request for action to ensure the protection of Palestinians, calling for the implementation of Security Council resolution 904 (1994) and all other pertinent resolutions. At the request of Council members, I circulated a compendium, prepared by the Office of Legal Affairs, of historical examples of territories administered by the League of Nations and the United Nations (see S/2015/809, annex).

17. Subsequent to my visit to the region, on 20 and 21 October, and the meeting between the Secretary of State of the United States of America, John Kerry, and the Prime Minister of Israel, Benjamin Netanyahu, the Prime Minister of Israel reiterated Israel's commitment to uphold the status quo with regard to the holy sites, agreeing to strengthen security arrangements with the Hashemite custodianship of the Islamic holy sites in Jerusalem (Jordanian Waqf). I appreciate the continued role and support of Jordan, as custodian of the Islamic holy sites in Jerusalem.

18. High levels of violence and a polarized public discourse across the spectrum in Israel and the Occupied Palestinian Territory continued throughout the reporting period. Stabbings, vehicle attacks and shootings by Palestinians targeting Israeli civilians and clashes between Palestinians and Israeli security forces continued to claim lives. During the reporting period, a total of 224 Palestinians were killed, 159 of whom were perpetrators or alleged perpetrators of attacks. A total of 16,873 Palestinians were injured (1,518 in Gaza, 15,346 in the West Bank and 9 in Israel), many from smoke inhalation during demonstrations. Thirty-one Israeli civilians and 15 security forces personnel were killed, and 255 Israeli civilians and 89 security forces personnel were injured.

19. The level of force used in countering some of the violence is also a matter of concern. A number of incidents, some of which were captured on video and widely disseminated, call into question the nature of the response of Israeli security forces, including the apparent disproportionate use of lethal force as a first resort. I have consistently reminded Israeli authorities that live fire should be used only as a last resort, in situations of imminent threat to life or serious injury. It is their duty to ensure a prompt and independent investigation into incidents in which use of force resulted in death or injury and accountability where there is evidence of wrongdoing.

20. I reiterate the firm condemnation by the United Nations of all terrorist attacks. Leaders on all sides have the responsibility to stop incitement and to consistently and unequivocally stand against acts of terror and violence in all forms.

21. Settler violence has decreased since my previous report (A/70/354-S/2015/677). During the reporting period, there were 145 settler-related incidents that resulted in Palestinian injuries, marking a 5 per cent decrease compared with the previous year. There were 77 settler-related incidents resulting in damage to Palestinian property, also marking a decrease, of 47 per cent, compared with the previous year.

22. Throughout the reporting period, the Israeli Defense Force conducted 4,662 search and arrest operations, resulting in the arrest of 7,013 Palestinians. The

Palestinian Authority continued arrests of suspected Hamas affiliates in the West Bank.

23. After almost a year of a so-called "planning freeze" for settlements in 2014, the rates of settlement planning and issuance of tenders for construction in the West Bank and East Jerusalem rose in the past year. During the reporting period, Israeli authorities advanced plans for 3,219 housing units in the Occupied Palestinian Territory, including East Jerusalem, with 544 of them having reached the final stage of approval. The Government declared 580 acres in the West Bank as "State land" on 10 March 2016. Settlement activity in the Occupied Palestinian Territory, including East Jerusalem, is illegal under international law. The continued making of settlement plans and the retroactive legalizations of settlements signal that Israel's strategic settlement enterprise continues to expand into land intended for a future Palestinian State.

24. Demolitions of Palestinian homes in Area C of the occupied West Bank continue. The total number of demolitions spiked during the first three months of 2016. During the reporting period, 856 structures were demolished, leading to the displacement of 1,413 Palestinians, including 665 children. Although many of the demolished structures were not dwellings, the loss of water wells, solar panels and animal shelters had an impact on the livelihoods of over 5,120 people. The Bedouin community, in particular, is paying a heavy price. I reiterate the call of the United Nations for an immediate end to those Israeli plans, which, if implemented, may amount to the forcible transfer of the Bedouin communities currently living within the Occupied Palestinian Territory on the periphery of Jerusalem. Palestinians require access to a fair planning and zoning regime, so as not to resort to the building of unauthorized structures that lead to unjustified demolitions by Israeli authorities, which often affect the most vulnerable people. Demolitions and forcible transfers contravene international humanitarian and human rights law.

25. As at April 2016, 692 Palestinians were being held by Israeli authorities under administrative detention, compared with 370 at the beginning of the reporting period. For the first time since 2011, in October 2015, Israel resumed its use of administrative detention against Palestinian minor children. Israel is currently holding over 400 Palestinian children on security grounds. This figure, the highest since January 2008 when the Israeli Prison Service began releasing data, has more than doubled since the outbreak of violence in October 2015. I am troubled by the high participation of Palestinian young people and children in the recent wave of violence, however, any response by Israeli security forces must adhere to international legal standards. I am especially concerned about the reports of detainees on a hunger strike. I reiterate my call to end the practice of administrative detention and to either charge all detainees or immediately release them.

26. I am also concerned by the continued punitive demolitions of homes belonging to families of Palestinian perpetrators or alleged perpetrators of attacks against Israelis. Punitive demolitions are a form of collective punishment, which is prohibited under international law. They are unproven as a deterrent, and they fuel tensions by exacerbating feelings of injustice and hatred.

27. Palestinians continued to advance their State-building programme, albeit limited to the territory under the Palestinian Authority's control, which excludes Area C, East Jerusalem and Gaza. Notwithstanding strong international consensus that the Palestinian Authority was capable of running a State, the Ad Hoc Liaison

Committee for the Coordination of the International Assistance to Palestinians remains concerned about its fiscal and economic viability. With a deficit of $480 million in June, the World Bank projects that the Palestine Authority's total deficit for 2016 will reach $1.327 billion or 9.8 per cent of gross domestic product. In its meeting on 19 April 2016, the Ad Hoc Liaison Committee committed to developing a two-year strategy to address the Palestinian Authority's fiscal and long-term economic sustainability.

28. On 21 June, the Government of the State of Palestine called for municipal elections to be held 8 October. On 15 July, Hamas announced its participation and asked for guarantees that the results would be recognized and that elected councils in Gaza and West Bank would be entitled to budget allocations and projects by the donor community.

29. I strongly encourage Israel to continue implementing measures that would facilitate sustainable growth and job creation for the Palestinian economy. The Quartet has consistently called upon Israel to implement positive and significant policy shifts, in particular in Area C, consistent with the transition to greater Palestinian civil authority contemplated by prior agreements. Progress in the areas of housing, water, energy, communications, agriculture and natural resources can be made while respecting Israel's legitimate security needs.

30. In Gaza, the humanitarian situation remains dire. Approximately 66,000 people remain internally displaced in transitional shelters. A total of 47 per cent of Palestinian households in the Gaza Strip are food insecure, and ongoing water deficiencies result in 40 per cent of the population receiving access to the water supply for only 5 to 8 hours every three to four days. In addition, electricity is unavailable for 16 to 18 hours each day. Palestinian access to depart and enter Gaza remains insufficient, which especially affects access to medical treatment. These conditions exacerbate the record high unemployment rates and chronic aid dependency.

31. Persistent security and governance challenges and funding shortages notwithstanding, the reconstruction process has continued. More than 90 per cent of damaged schools and hospitals have been repaired, while repairs have either been completed or are under way on about half of all partially damaged homes. Notwithstanding those improvements, the reconstruction of homes that were completely destroyed during the 2014 hostilities remains slow. I strongly encourage all Member States to fulfil their commitments to support the reconstruction and development of Gaza. I welcome and encourage the continuation of Israel's constructive cooperation with the Gaza Reconstruction Mechanism. I reiterate that the Mechanism was designed as a temporary measure and that the ultimate objective of the United Nations in Gaza continues to be the lifting of all closures within the framework of Security Council resolution 1860 (2009) and in a manner that addresses Israel's legitimate security concerns.

32. Repairing damage from the most recent hostilities, however, will not fix the underlying chronic problems of Gaza. The Palestinian Government has set out an ambitious $3.8 billion plan for repairing damage from the 2014 conflict and getting recovery under way in Gaza. To implement the humanitarian response plan for 2016, which aims at addressing the humanitarian needs of 1.6 million Palestinians in Gaza and the West Bank, it has requested $571 million. The appeal represents a 19 per cent reduction from 2015, but remains elevated owing largely to Gaza's

significant humanitarian needs. I strongly encourage all Member States that have not done so to fulfil their commitments without delay. I remain concerned that limited crossing capacity and a range of other restrictions, along with a lack of Palestinian unity, mean that significant improvement in Gaza's humanitarian situation and overall economy remains unlikely.

33. If the underlying causes of previous conflicts are not addressed, conditions in Gaza will only worsen with the risk of further violence and radicalization. The security implications of the persistent pressures continue to be felt. As at 22 August, Palestinian militants in Gaza fired a total of 92 rockets at Israel, 27 of which impacted in Israel, none of which caused injuries during the reporting period. The Israel Defense Force reportedly retaliated with a total of 56 air strikes in Gaza, causing five deaths and nine injuries. I call upon all Palestinian factions on the ground not to engage in activities that risk destabilizing the situation and undermining the reconstruction process.

34. I welcomed the decision of Egypt to open the Rafah crossing on four occasions, from 14 to 16 February, 11 to 12 May, 1 to 6 June and 29 June to 2 July. I encourage Egypt to explore ways to facilitate more frequent and predictable openings of the crossing, in particular for humanitarian purposes, while respecting Egypt's legitimate and pressing security concerns in the Sinai.

35. I remain worried about the state of human rights and freedoms in Gaza. Of particular concern are the reports of arbitrary detention and ill treatment in detention centres in Gaza. In May, Hamas announced plans to implement a number of death sentences and carried out three executions of Palestinians. Such actions were condemned by my Special Coordinator for the Middle East Peace Process and the United Nations High Commissioner for Human Rights, who called for a moratorium on the death penalty. I call upon the de facto authorities in Gaza to refrain from carrying out further executions. I also urge the Palestinian Authority to fulfil its responsibilities with full respect for international human rights laws.

36. During my recent visit to Israel and the State of Palestine on 27 and 28 June, I also travelled to Gaza, where I noted the resilience of the Gazan people under enormously difficult conditions and emphasised that, until Gaza and the West Bank are united under a single, democratic and legitimate Palestinian government, based on the rule of law and the principles of the Palestine Liberation Organization, Gaza's prospects for full recovery will be limited.

37. The Palestinian Government of National Consensus must be empowered and enabled to assume its rightful responsibilities in Gaza, including in particular at the crossings with Israel and Egypt. I strongly urge Palestinian factions to advance genuine Palestinian unity on the basis of democracy and the principles of the Palestine Liberation Organization and the Quartet. Genuine unity will also improve the Government's ability to meet the pressing economic problems, which are adding to Palestinians' frustration and anger. I welcome the resumption of unity talks held in Qatar and urge all sides to continue discussions and implement previous agreements. I strongly encourage the factions not to squander this important opportunity to reach a consensus that can enable the advancement of long-term Palestinian national goals, as well as near-term fiscal and development goals, for the Palestinian people. The United Nations stands ready to support all efforts in this direction.

38. As noted in my previous report, I remain seriously concerned by the lack of political progress and the high risk of further violence and radicalization. The international community must come together in cooperation with the parties on the ground and in the region to create the conditions for a return to meaningful negotiations. Israelis and Palestinians must face the stark realities that continue to drive the violence and hold hostage the two-State solution. The report of the Quartet has made clear that Israel's settlement enterprise continues to be an impediment to peace. Furthermore, the issue of incitement runs to the heart of the current climate of tension and fear. I am particularly concerned that some Palestinian factions continue to glorify violence and terror and that the Palestinian Authority has consistently refrained from condemning specific terror attacks against Israelis. By the same token, Israel should understand that heavy-handed responses play into the hands of extremists, undermine moderate voices and further deepen the rift between the two sides. It remains clear that security measures alone will not contain the forces that perpetuate violence. Both sides must actively take steps that will demonstrate their commitment to, and create the conditions for, an eventual return to negotiations to achieve a viable Palestinian State and ensure Israel's long-term security.

39. I would like to express my deep appreciation to my Special Coordinator for the Middle East Peace Process, Nickolay Mladenov, for his outstanding service during the first year of his tenure. I am also grateful to the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, Pierre Krähenbühl, and the remarkable work on behalf of Palestine refugees carried out by the staff of the Agency. I pay tribute, too, to all United Nations staff who work under difficult, and at times dangerous, circumstances in the service of the Organization.

40. Until the last day of my tenure, I will continue to ensure that the United Nations works towards the establishment of an independent, democratic, contiguous and viable Palestinian State, existing side by side in peace with a secure Israel, within the framework of a comprehensive regional settlement consistent with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1860 (2009) and in accordance with the road map, the Arab Peace Initiative and the principle of land for peace.